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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

SUMMARY RECORD (PARTIAL)* OF THE 533rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 May 1999, at 10 a.m.

Temporary Chairperson: Mr. RABAH
Chairperson: Mrs. MBOI

CONTENTS

ELECTION OF THE OFFICERS OF THE COMMITTEE (continued)

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE (continued)

CONSIDERATION OF REPORTS OF STATES PARTIES

Initial report of Barbados

* No summary record was prepared for the rest of the meeting (closed).

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The discussion covered in the summary record began at 11 a.m.

ELECTION OF THE OFFICERS OF THE COMMITTEE (agenda item 3) (continued)

1. The TEMPORARY CHAIRPERSON announced that, following consultations with the members of the Committee concerning the election of officers, Mrs. Mboi had been elected the new Chairperson of the Committee. Mrs. El Guindi, Mr. Rabah and Mrs. Sardenberg, had been elected Vice-Chairpersons and Mr. Doek had been elected Rapporteur.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE (agenda item 2) (continued)

2. The TEMPORARY CHAIRPERSON invited those members of the Committee who had been elected at the seventh meeting of States parties to make the solemn declaration provided for in rule 15 of the provisional rules of procedure.

3. Mrs. KARP and Mrs. OUEDRAOGO made the following declaration: "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of the Child honourably, faithfully, impartially and conscientiously."

4. Mrs. Mboi took the Chair.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6)

Initial report of Barbados (CRC/C/3/Add.45; HRI/CORE/1/Add.64/Rev.1; CRC/C/Q/BAR/1)

5. At the invitation of the Chairperson, the members of the delegation of Barbados took places at the Committee table.

6. The CHAIRPERSON welcomed the delegation of Barbados, in particular Miss Mason, whose presence would make the Committee's work easier, since she was a previous Chairperson of the Committee and was therefore already familiar with its procedures.

7. Mr. GRIFFITH (Barbados) said that his country was aware of the importance of ensuring the best possible quality of life for children as provided for in the Convention on the Rights of the Child. Children were entitled to enjoy a wholesome and enabling environment, especially in their formative years, as well as a warm relationship with their parents or substitute parents. In those conditions, children would have the opportunity to maximize their potential and become the well-rounded and productive citizens that the country needed.

8. Since the submission of the initial report, a number of important steps had been taken to bring Barbados closer to achieving the goals set out in the Convention. In 1998 the Government, in conjunction with non-governmental organizations (NGOs) and regional and international agencies, had hosted the first ever Caribbean Youth Summit, which had brought together young people under the age of 19 from 20 Caribbean countries. The summit had focused on reproductive health with specific reference to children. There was a clear

understanding across the region that policies and programmes for the young would succeed only if young people were involved in formulating and implementing them. Barbados had also established a national committee for monitoring the rights of the child, whose members included representatives of government agencies, the private sector, religious communities, law enforcement bodies, the teaching profession, social services, the legal sector and the Family Planning Association.

9. Barbados' report should have been submitted at the previous session of the Committee, but had been delayed by the general election on 20 January. The new Government had created a Ministry of Social Transformation which was primarily responsible for child care, poverty eradication and rationalizing social service agencies, especially those whose work affected children and their families. It was essential to help parents, guardians and adults in general to improve their understanding of children's issues. The Ministry was also responsible for giving a voice to vulnerable groups in society. The Government was in the process of amalgamating social service agencies previously administered by several different ministries, in order to increase productivity and thus improve children's quality of life. The Ministry had also established a Bureau of Gender Affairs to address the needs of both men and women and to look at the impact of gender issues on children.

10. Another of the Ministry's responsibilities was to promote the enactment of legislation prohibiting discrimination against the physically and mentally disabled. A disability unit had been created to focus on their needs. The State was also encouraging NGO action for the benefit of the homeless and was providing shelters for homeless men where they could receive counselling and participate in programmes designed to help them to lead more independent and productive lives. A task force on vagrancy and homelessness had recently been set up to help people who fell through the welfare net.

11. Barbados attached high priority to the question of advocacy. A weekly radio programme entitled "Family Life Issues" included a "Youth in Focus" section, planned and hosted by young people, which highlighted issues of family life especially relevant to children. The programme aired young people's views on the problems they faced and possible solutions.

12. If action on behalf of children was to succeed, appropriate budgetary allocations needed to be made. The report gave full details of increased allocations to the Child Care Board, a statutory body with responsibility for the care and protection of children. It was recognized that basic child care could not be improved without investing in training and a national certification programme had accordingly been established, with input from various relevant institutions and bodies. The programme was designed for both government-owned and private child-care centres and had been successfully completed by almost 100 people to date. A telethon organized by the Caribbean Broadcasting Corporation had raised money for the refurbishment of a children's home, which would be used as a model for similar projects.

13. Improving awareness of child abuse was a top priority for the Government. The number of referrals for child abuse had increased and it was still unclear whether that was due to a higher incidence of abuse or an increase in the number of people reporting it, although the Government

believed the latter to be true. However, continued action to prevent child abuse should eventually result in a decline in the number of cases. Parent-teacher associations and church and youth groups, among others, had invited the Government to become involved in discussions on child abuse, adoption and foster care, adolescent sexuality, and other issues affecting young children.

14. Turning to the challenges ahead, he said that the Child Care Board was experiencing difficulty in filling the extra posts it had created for trained social workers. In response to concern about inadequate facilities for physically and mentally challenged children, he had been given the task of ensuring that a proposal was submitted which would outline the steps needed to remedy the situation. The harmful influence of the media and the lack of parental guidance in that respect were further sources of concern.

15. The Government's recent manifesto had included a pledge to introduce legislation which would make the reporting of suspected cases of child abuse mandatory. He anticipated some resistance to such laws, but the rights of vulnerable children ought to take priority over professional confidentiality requirements. Anxiety about the increasing number of children orphaned as a result of the AIDS epidemic had prompted the launch of public education campaigns aimed at curbing its spread. Similarly, reproductive health and rights education had been included in the curriculum of primary and secondary schools in an effort to consolidate the downward trend in teenage births. The theme for Child Month 1999 was "Children, rights come with responsibility", as it was firmly believed that children should be empowered to take control of their own actions and not be influenced by passing fashions.

16. The CHAIRPERSON thanked Mr. Griffith for his statement and invited the Committee members to make comments and raise any questions they might have.

17. Mrs. SARDENBERG said that, while she was disappointed by the lack of facts and figures in the report, Barbardos' high rating on the human development index meant that the island was well placed to improve the situation of children. She first asked how the Barbadian Parliament participated in the implementation of the Convention. Had the Government considered acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment? What provision had been made for the Government to take charge of the overall coordination of activities to implement the Convention? Why had the Child Care Board been responsible for preparing the report? What bodies were represented on the National Committee? Were there any plans to introduce a global strategy for implementation of the Convention?

18. Mr. FULCI commended the quality of the report which was comprehensive and self-critical. However, the data it contained were not sufficiently detailed and there was no assessment of the progress achieved and difficulties encountered in the implementation of relevant laws. He praised the Government of Barbados for calling on many sectors of civil society to collaborate in the drafting of the report. In the light of paragraphs 13 to 21 of the report, he asked what measures had been adopted or were planned to make the Convention better known in Barbados. Did human rights education, including children's rights, form part of the school curriculum?

19. Mrs. OUEDRAOGO said that there were gaps in the report. She inquired about the problems which had led to its late submission. How was the need to protect children against the adverse effects of the structural adjustment programme reflected in Barbados' new strategy to combat poverty? Had the Child Care Board been reorganized after ratification of the Convention in order to comply with its requirements? How did the Board coordinate implementation at local and national level? Had the National Plan of Action on the Survival, Protection and Development of Children achieved any results in respect of children's rights? Had information from the reports referred to in paragraph 12 been included in the initial report and had those reports been discussed beforehand?

20. Mrs. MOKHUANE endorsed her colleagues' comments about the high quality of the report, but since the Committee was aware that domestic legislation in Barbados was not keeping pace with economic and social changes, she wished to know how national laws were addressing the higher incidence of divorce, single parenthood and poverty. How were budgetary resources distributed at regional level? What constraints had there been on resource allocation? How had the spin-off from the structural adjustment programme benefited children? What programmes or activities were in place to improve the lot of children? Given the shortage of social workers in Barbados, what financial incentives or programmes existed to encourage adults and young people to take up social work as a profession?

The meeting was suspended at 11.55 a.m. and resumed at 12.05 p.m.

21. Mr. GRIFFITH (Barbados), responding to the question concerning Parliament's involvement in disseminating information on the rights of the child, pointed out that Barbados was a tiny country with good communications. The Minister of Social Transformation took a close interest in matters concerning the Convention and, in connection with Child Month activities, had given numerous radio and television interviews. There were 28 parliamentary constituencies, each branch of which had invited the Child Care Board and relevant non-governmental organizations (NGOs) to contribute their views on appropriate child-care activities. Parliament attached great importance to children's issues; not only were sessions of the House of Assembly devoted to them, but so were constituency meetings, so that children's issues and the impact of legal measures on children were discussed nationwide.

22. Replying to the question concerning the economic impact of the structural adjustment programme he said that the budget allocated to the Child Care Board had gradually diminished over the years from $10.5 million to $7.5 million, with the result that a number of programmes had slowed to a crawl, if not to a total halt. However, it had been increased in recent years by $1 million per year, bringing the figure for 1999-2000 to $12.5 million. The increase had enabled the Board to introduce new programmes, refurbish buildings, fill all vacant posts and even create new posts.

23. One major achievement was the 100 per cent increase in the foster-care allowance. Television broadcasts had been devoted to the subject of foster care, with the participation of both foster parents and foster children.

24. Ms. CRAWFORD (Barbados) said that the Child Care Board was a statutory body devoted to children's issues, which maintained close contact with the organizations represented on the National Committee for the Implementation of the Rights of the Child. It was composed of representatives of the judiciary, the trade unions and youth organizations, and provided a forum for interdisciplinary discussions.

25. It had taken 46 months to prepare the initial report. The responses of NGOs, the various ministries and the general public, although late in coming, had eventually been incorporated in a draft document, which had been widely distributed to ensure that everyone was aware of the Board's work. The document dealt inter alia with juvenile justice and children whose parents were infected with the HIV/AIDS virus or had died of AIDS. While HIV-infected children were usually cared for within the family, the Child Care Board intervened when necessary to provide appropriate care.

26. The Ministry of Social Transformation had formulated a special poverty alleviation programme which had been allocated a budget of $11 million in 1999, on the assumption that poverty reduction would benefit children as a whole.

27. In response to the question concerning the shortage of social workers, she said that the problem was one of availability. However, for the past four years the Cave Hill campus of the University of the West Indies, located in Barbados, had been offering a degree in social work. Originally designed for partially trained staff, it was currently open to others as well.

28. The CHAIRPERSON asked whether Barbados had any special incentives in place to encourage young people to become social workers.

29. Ms. CRAWFORD (Barbados) replied that, while there were no special incentives, there was ongoing activity involving annual visits to schools in order to encourage young people to take up the profession.

30. Miss MASON (Barbados), after congratulating Mrs. Mboi on her election, thanked the Committee for the warm welcome it had extended to her on her return, no longer as Chairperson of the Committee, but as a representative of her country which she wished to portray in a true and honest light.

31. In response to Mrs. Sardenberg's question, she said that Barbados had not ratified the Convention against Torture. The country was revisiting the various conventions it had not yet ratified - in exercise of its sovereign right - with a view to deciding for or against ratification and speeding up action on those it decided to ratify. She was not certain what the Government's final decision would be, but the delegation would raise the matter on its return home.

32. On the question whether the 1992 Plan of Action had been abandoned, and another concerning its medium-term impact on children's rights, she said that Barbados had attained the milestones set by the World Summit for Children, making the plan obsolete. The National Committee intended to draw up a new programme, for which purpose three subcommittees had been established to

examine separate issues. Barbadian legislation was almost entirely in conformity with the Convention on the Rights of the Child; indeed many of its provisions predated the Convention.

33. In reply to the question whether domestic legislation had kept pace with socio-economic developments and whether the laws governing divorce, custody, property and the family were continually monitored, she said that the authorities had realized in 1976 that the country was in an anomalous situation - albeit one considered quite normal in the Caribbean - where unmarried couples constituted 50 per cent of families. The Government had decided that the progeny of such households needed to be protected and had instituted for such couples, provided they had cohabited for at least five years, a legal category of "unions other than marriage". The rights of such children were further protected by the Status of Children Reform Act. In custody cases, the judge, on the advice of social workers, ruled on the basis of an objective examination of each parent's situation, according the utmost importance to reasonable access by the other parent. Also, under the Family Law Act, a divorce did not become absolute until all issues relating to minor offspring had been resolved to the satisfaction of the court.

34. Poverty alleviation was also given priority by the Ministry of Social Transformation, and was discussed daily on call-in radio programmes, in which the general public aired its views.

35. Concerning the measures taken to make the Convention on the Rights of the Child more widely known, she said that prior to the establishment of a monitoring committee in September 1998, some efforts had been made to that end, with UNICEF in an advocacy role. Many local and regional public meetings were held to discuss the Convention, and both UNICEF and the Child Care Board were instrumental in promoting children's rights. The Convention was given exposure by the media, and two colloquia on the rights of the child had been held, one in November 1998, the other in March 1999. In addition, human rights were taught in schools under the heading "Civics and citizenship".

36. Mr. GRIFFITH (Barbados), replying to the question concerning the Child Care Board's role as a focal point, said that it had a 12-member Board of Directors which included teachers and social workers and was directly answerable to the Ministry of Social Transformation, which in turn was legally responsible to the Cabinet. With the establishment of the Board, more energy was being invested in child-related activities. It was not a static body; some members were reappointed, while others departed. He himself had been its Chairman since 1994.

37. Ms. CRAWFORD (Barbados), replying to a question from Ms. Mokhuane, said that it was impractical for a small country like Barbados to undertake regional activities and that all the programmes were centralized. The Ministry of Social Transformation had a child-care budget, which was subsequently allocated to the Child Care Board, in accordance with each department's programmes and plan of action. The fact that the budget for child-related activities had risen from $38 million in 1995 to the current level of $68 million attested to the importance the authorities attached to children and the family.

38. The CHAIRPERSON invited the members of the Committee to raise additional questions.

39. Mrs. KARP commended the Government of Barbados for having established the Committee on the Implementation of the Convention on the Rights of the Child. It would be useful to know whether that committee had undertaken to review national legislation to assess its conformity with both the letter and the spirit of the Convention. What portion of the budget was allocated to its work?

40. She felt that the Government's policy concerning pornography, which took into account photographs but not the communications media or the Internet, should be re-evaluated. In addition, judges in Barbados were expected to respect the wishes of children over the age of 16 in custody disputes; the Convention, however, called for decisions of that kind to be made in accordance not with a child's age but with his/her evolving capacities.

41. It would be useful to know whether the Barbados Government had a strategy for working with NGOs in the matter of child policy, and whether resources were allocated for that purpose. She also wondered whether approaches to parental counselling services incorporated ideas about childhood that reflected the spirit of the Convention, in particular with regard to such matters as abuse and incest.

42. The Child Care Board played a central advocacy role on behalf of children. But its name, which suggested the concept of protection, should perhaps be changed to reflect a child rights approach, and to convey the idea that it worked on behalf of all children, not just those with special needs.

43. Finally, it would be helpful to know whether the Government had considered the development of indicators in such areas as freedom of speech and the right to education, which would demonstrate the degree of success in implementing the terms of the Convention.

44. Mrs. MOKHUANE said that the report indicated that, in practice, a Barbadian child became an adult at the age of 16. It also suggested that a judge had discretion to determine whether a child was sufficiently mature to make his/her own decisions. In view of the shortage of professional social workers in Barbados, the question arose what assistance was provided to the judge in making such a determination. Furthermore, there was no question that children aged seven were too young to assume criminal responsibility. At that age, children tried to avoid punishment in order to please their parents, but had not yet developed a sense of right or wrong.

45. Mr. DOEK inquired whether the Child Care Board was empowered to investigate cases of child abuse and bring them to the attention of the courts.

46. Mrs. TIGERSTEDT-TAHTELA, noting the central role of the Child Care Board, inquired whether Barbados had no municipal bodies to handle matters of social welfare.

47. Mr. RABAH requested further information on Child Month, in particular whether the Convention was distributed to participants, both children and parents, and whether events designed to teach children their rights were included in the programme.

48. It would also be useful to know whether a child benefited from legal representation when appearing before the courts, and whether it was in fact the case that a child could not obtain legal or medical counselling without parental consent. The report indicated that a child over the age of 15 and under the age of 18 was allowed to work, but not at night or during school hours. What in fact were "school hours"? What measures were taken to implement the relevant legislation? Furthermore, did the minimum age for marriage apply both to girls and to boys? Finally, children under the age of 18 should not be sent to prison: the Government should consider alternative means of handling young people whose behaviour constituted a serious problem.

49. Mrs. OUEDRAOGO, observing that Child Month had been celebrated in Barbados since 1967, inquired whether the form and content of that event had changed since the ratification of the Convention, and to what extent the public participated. What, in the Government's view, was the impact of Child Month on the successful implementation of the Convention?

50. She also wished to know to what extent the report had been publicized, and what, the public reaction to it had been. Had it sparked any debate or discussion?

51. The report mentioned legislation that prohibited holders of liquor licences from selling to minors, but made no mention of other vendors or the use of alcohol in the home. What other laws were in place to prevent the use of alcohol by children, and what measures had been taken to implement them? Had the Government considered conducting an awareness and education campaign to discourage alcohol use by children?

52. Furthermore, the report was not clear about the age at which a child was permitted to work; clarification would be welcome. What measures were taken to prevent children from working during school hours? Finally, the Government should clearly establish the age at which a child was permitted to consult a lawyer.

53. Mrs. SARDENBERG said that she welcomed the establishment of a national programme of action for children. However, since it did not cover all the issues addressed by the Convention, the Government should consider the development of a broad national strategy. What stage had Barbados reached in the preparation of a budget that reflected the needs of children? Information was needed on the relationship between the Government and NGOs, and, in particular, on how the independence and impartiality of NGOs was protected.

54. She was aware that Barbadian society was resistant to the notion of the child as a subject of law; comments would be welcome regarding the role of the child in the family and in society. Did the Convention have an impact on that role?

The meeting rose at 1.05 p.m.